

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

DIANA LINDERMAN,
Plaintiff,

V.

Cause No. 14-cv-435

MT. OLYMPUS ENTERPRISES, INC, and
MT. OLYMPUS RESORTS, LLC, d/b/a
“THE MOUNT OLYMPUS WATER AND THEME PARK”,
a/k/a “MT. OLYMPUS RESORT”,
Defendants.

COMPLAINT

**NEGLIGENCE OF MT. OLYMPUS ENTERPRISES, INC, and
MT. OLYMPUS RESORTS, LLC, d/b/a “THE MOUNT OLYMPUS WATER AND
THEME PARK”, a/k/a “MT. OLYMPUS RESORT”**

For her complaint, Diana Linderman, (“Diana”) states the following:

1. On June 18, 2011, Diana was an invitee of MT. OLYMPUS ENTERPRISES, INC, and MT. OLYMPUS RESORTS, LLC, d/b/a “THE MOUNT OLYMPUS WATER AND THEME PARK”, a/k/a “MT. OLYMPUS RESORT” (collectively hereinafter “Resort”) located at or near 1881 Wisconsin Dells Parkway, Wisconsin Dells, Wisconsin.
2. The Resort is a multi-form Wisconsin domestic business operating an extensive amusement park at and around Wisconsin Dells, Wisconsin.
3. The Resort’s business purpose is to attract patrons and families to its amusement park to purchase the Resort’s services.
4. On June 18, 2011, Diana was one of the Resort’s customers along with her immediate family.

5. During her visit to the Resort, Diana rode on the Resort's wooden roller coaster named "Hades".
6. The Resort operated Hades as a thrill ride.
7. Diana followed the instructions of the Resort staff operating Hades.
8. Diana was a patron who used Hades as reasonably expected and foreseen by the Resort.
9. The Resort owed the following duties to Diana and to other patrons using the amusement park:
 - a. The Resort owed a duty to not needlessly endanger patrons .
 - b. The Resort owed a duty to reveal hidden dangers.
 - c. The Resort owed a duty to warn patrons of known dangers.
 - d. The Resort owed a duty to perform maintenance on Hades to keep patrons safe.
 - e. The Resort owed a duty to warn patrons that Hades had become an excessively and unreasonably rough ride.
 - f. The Resort owed a duty to warn patrons that Hades could injure them during a ride.
 - g. The Resort owed a duty to have safety rules and regulations to protect patrons at the amusement park.
 - h. The Resort owed a duty to employ staff trained to understand and apply safety rules, regulations, and safety devices meant to protect patrons riding the Hades roller coaster.

- i. The Resort owed a duty to have staff that would respond to patrons who had safety concerns.
- j. The Resort owed a duty to not allow Hades to move before all riders were secure.
- k. The Resort owed a duty to have staff trained to understand and apply safety rules and regulations to protect patrons by personally checking the security of all riders before starting Hades.

10. The Resort breached the above listed duties owed to Diana by the following acts or omissions:

- a. The Resort needlessly endangered Diana when its staff did not respond to her safety concerns before starting the ride.
- b. The Resort needlessly endangered Diana by not securing Diana in the car before starting the ride.
- c. The Resort did not reveal hidden dangers to Diana.
- d. The Resort did not warn Diana of known dangers.
- e. The Resort did not perform maintenance on Hades that kept its patrons safe.
- f. The Resort did not warn Diana that it did not perform maintenance on Hades that kept its patrons safe.
- g. Hades had known defects that allowed the Resort to operate the ride even when patrons were not secured in the cars.
- h. The Resort did not warn Diana that the Hades operators would ignore safety concerns expressed by patrons including Diana.

- i. The Resort allowed operators to start Hades when Diana was not secured in the car.
- j. The Resort had allowed Hades to become a rough ride that posed a danger to patrons.
- k. The Resort did not warn Diana that she might suffer spinal fractures from riding Hades.
- l. The Resort did not warn Diana that its operators did not follow safety rules and regulations to protect patrons riding Hades.
- m. The Resort did not warn Diana it did not employ staff trained to understand and apply safety rules and regulations to protect its patrons on Hades.

As a result of the Resort's negligent acts and omissions, Diana suffered spinal fractures and other trauma while riding the Resort's Hades roller coaster on June 18, 2011.

Wherefore Diana Linderman asks for compensation that will make her whole for her injuries and for costs.

Jury Demand

Diana Linderman requests a jury trial on all issues triable to jury.

Respectfully submitted,

s/Theodore L. Stacy

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